IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO. 3170 OF 2005

Shankar Gulab Gonsari & ors.... Petitioner

versus

Wai Nagar Parishad & ors ..... Respondent.

Mr. M.S.Topkar for the petitioner
Mr. A.V.Anturkar for the respondents

CORAM; A.P. DESHPANDE, J.
DATED; 16TH MARCH, 2007

P.C.;

1. Rule. Rule made returnable forthwith. By consent taken up for final hearing.

2. The petitioner terminated the respondent no.1 from service by order dated 16-8-2000. The said order of termination was challenged by filing the complaint before Labour Court under sec.28 of the MRTP & PULP Act. The complaint was filed sometime in the year 2003. Respondent no.1 made an application claiming interim relief in the nature of re-instatment in service pending decision of the complaint. Said application came to be allowed in the year 2005, i.e. after a priod of five years from the date of termination. Labour Court granted interim relief and the revision preferred by the petitioner before the

Industrial Court against the said interlocatory order stood dismissed, giving raise to the filing of the present petition. This court has stayed the interim order vide order dated 30-6-2005, as this court was primafacie satisfied that no case for grant of interim relief was made out before the labour court.

3. At this stage both the learned counsel are in agreemnet that the interim order passed by the Labour Court be set aside and the labour court should be directed to decide the main complaint as expeditiously aa possible. In th result, on concession, I qash and set aside the order passed by by the labour court so also industrial court and direct the labour court to decide the main complaint on merit as expeditiously as possible and preferably within a period of four months from today.

4. Rule made absolute in the above terms.

5. Needless to mention that the labour court shall decide the main complaint uninfluenced by this order.

6. In view of the diposal of the writ petition Civil application does not survive. It i also disposed of accordingly.

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